

IN RE: PETITION FOR ADMINISTRATIVE ZONING VARIANCE
S/C of intersection of Indian Pony Court & Thoroughbred Lane
3829 Thoroughbred Lane
4th Election District
1rd Councilmanic District
Raymond F. Borsetti, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 93-14-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for an Administrative Zoning Variance for that property known as 3829 Thoroughbred Lane in the Owings Mills section of Baltimore County. The Petitioners herein request a variance from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 45 ft., in lieu of the required 50 ft., for an addition, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for an Administrative Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information,

photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 107.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of Sept., 1992 that the Petition for a Zoning Variance from Section 1A04.3.B.5 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 45 ft., in lieu of the required 50 ft., for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mm

Suite 113 Courthouse
480 Washington Avenue
Towson, MD 21204

(410) 887-4386

September 10, 1992

Mr. and Mrs. Raymond F. Borsetti
3829 Thoroughbred Lane
Owings Mills, Maryland 21117

RE: Petition for Administrative Zoning Variance
Case No. 93-14-A

Dear Mr. and Mrs. Borsetti:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.

PETITION FOR ADMINISTRATIVE VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property located in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3.B.5 (1A00.3.B.3, R.D.P.) of the Baltimore County Zoning Regulations, to permit a front yard setback of 45' in lieu of the required 50'.

of the Zoning Regulations of Baltimore County for the following reasons: (indicate hereby or printed Affirmative)

see attached

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

We agree to pay expenses of the above posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

We do solemnly declare and affirm, under the penalties of perjury, that (we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Attorney for Petitioner:

(Type or print name)

(Signature)

Address

City

State

Zip Code

Legal Owner(s):

Raymond F. Borsetti

(Signature)

Deborah Drehoff Borsetti

(Signature)

3829 Thoroughbred Lane W. 771-6700

Owings Mills, MD H. 356-2448

Debby Borsetti

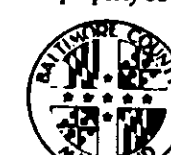
3829 Thoroughbred Lane

Owings Mills, MD 21117 356-2448

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 19 day of September, 1992, that the subject matter of this petition be set in for a public hearing, advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

REVIEWED BY: DATE:

ESTIMATED POSTING DATE: ESTIMATED CLOSING DATE:



ZONING COMMISSIONER OF BALTIMORE COUNTY

ITEM #

THE DESCRIPTION

Zoning Description for 3829 Thoroughbred Lane, Owings Mills, Maryland 21117.

Being the property located on the south corner of the intersection of Thoroughbred Lane and Indian Pony Court; Thoroughbred Lane being 60' wide and Indian Pony being 40' wide. Being Lot #34 in the subdivision of Worthington as recorded in Baltimore County Plat Book 38, Folio 15, containing .718 acres+/- Also known as 3829 Thoroughbred Lane, Owings Mills and located in the 4th election district.

We are applying for an administrative variance for the following reasons:

1. We wish to increase the home to have 4 bedrooms, 3 baths, and a formal living room.
2. We cannot add on back because of septic system one side and garage/driveway other side.
3. The proposed addition is forward 12 feet from back edge of house to allow for solitary window in master bedroom.
4. It is the most practical position to add on bedrooms on the bedroom wing of the house.
5. The side where the proposed addition is placed is nearest Lot 35. The residence has a driveway and no windows on that side and also a row of evergreen trees is already in place.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 4th
Posted for: Residential Variance
Petitioner: Raymond F. Borsetti and Deborah D. Borsetti
Location of property: S.E. of intersection Indian Pony Court and Thoroughbred Lane
Location of Sign: In front of 3829 Thoroughbred Lane
Remarks: L.E. Santa
Posted by: L.E. Santa
Number of Signs: 1
Date of Posting: August 4, 1992
Date of return: August 7, 1992

AFFIDAVIT
IN SUPPORT OF ADMINISTRATIVE VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) were competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do/does presently reside at: 3829 Thoroughbred Lane

Owings Mills, MD 21117

That based upon personal knowledge, the following are the facts upon which (we) base the request for an Administrative Variance at the above address: (indicate hereby or printed Affirmative)

see attached

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Raymond F. Borsetti

Deborah Drehoff Borsetti

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 17 day of July, 1992, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

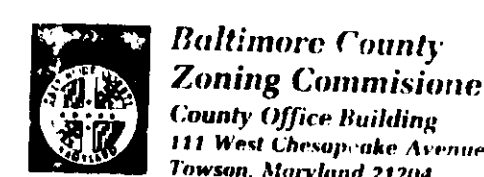
Raymond F. Borsetti and Deborah Drehoff Borsetti

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinbefore set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

17 July 92

My Commission Expires: 10/1/94



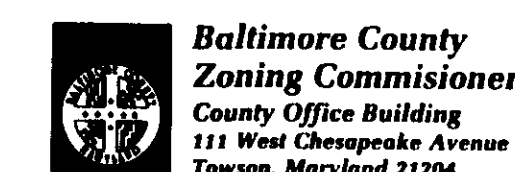
Date 7-21-92

Account: R 001 6150
Number

PETITIONERS: Raymond F. Borsetti & Deborah D. Borsetti
ADDRESS OF SUBJECT PROPERTY: 3829 Thoroughbred Lane
C.D.: 380
L.D.: 410
ADMINISTRATIVE VARIANCE: 85.00

Cashier Validation

Please Make Checks Payable To: Baltimore County



Date 7/27/92
PAID PER HAND-WRITTEN RECEIPT DATED 7/21/92

Account: R 001 6150
Number

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$50.00
080 - POSTING SIGNS / ADVERTISING	1 X	\$35.00
LAST NAME OF OWNER: BORSETTI	TOTAL:	\$85.00

Cashier Validation

Please Make Checks Payable To: Baltimore County

Mr. & Mrs. Raymond F. Borsetti
3829 Thoroughbred Lane
Owings Mills, MD 21117

RE: Item No. 25, Case No. 93-14-A
Petitioner: Raymond F. Borsetti, et ux
Petition for Administrative Variance

Dear Mr. & Mrs. Borsetti:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Your petition has been received and accepted for filing this 23rd day of July, 1992

ARNOLD JABLON
DIRECTOR

Received By:

U. Carl Richardson Jr.
Chairman,
Zoning Plans Advisory Committee

Petitioner: Raymond F. Borsetti, et ux

Petitioner's Attorney:

DPW/Developers Engineering Division (Public Services)
Development Review Committee Response Form
Authorized signature *Debra G. Kennedy* Date 8/10/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Raymond F. And Deborah D. Borsetti	25		8-3-92 NC
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26		NC
DED DEPRM RP STP TE			
✓ Gary G. And Ilene S. Waitt	27		NC
DED DEPRM RP STP TE			
✓ Bruce P. And India Y. Curry	6		NC
DED DEPRM RP STP TE			
✓ Herbert B. And Edith G. Querido	7		NC
DED DEPRM RP STP TE			
✓ Emma E. Hubbard	8		NC
DED DEPRM RP STP TE			
✓ Arthur Thomas Ward, III	9		NC
DED DEPRM RP STP TE			
COUNT 14			
FINAL TOTALS			
COUNT 17			

*** END OF REPORT ***

BALTIMORE COUNTY, MARYLAND
OFFICE OF PLANNING AND ZONING
New Courts Building
401 Bosley Avenue
Towson, MD 21204

MEMORANDUM

TO: Arnold Jablon, Director - Zoning Administration & Development Management

FROM: Ervin McDaniel, Chief Development Review Section Office of Planning and Zoning

DATE: August 4, 1992

SUBJECT: PETITIONS FROM ZONING ADVISORY COMMITTEE - August 3, 1992

The Office of Planning and Zoning has no comments on the following petitions:

BRUCE & INDIA CURRY	- ITEM 6
HISBARD, EMMA	- ITEM 8
BORSETTI, RAYMOND & DEBORAH	- ITEM 25
MCCELROY, ROBERT & JEANNETTE	- ITEM 26
WORTHMAN, JOHN & MARY	- ITEM 17
WARD, ARTHUR THOMAS	- ITEM 9

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning and Zoning at 887-3211.

8392.TXT
Petitns.txt

RECEIVED
AUG 11 1992
ZONING OFFICE

DPW/Traffic Engineering
Development Review Committee Response Form
Authorized signature *Ruben J. Famik* Date 8/10/92

File Number	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Aerial Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)		
COUNT 1			
Eugene C. Salvo	18	W/C	7-27-92
DED DEPRM RP			
COUNT 1			
✓ Lois L. Ruckman	10	N/C	8-3-92
DED DEPRM RP STP TE			
Colonial Village Company	19	M/IT	
DED DEPRM RP STP TE			
✓ James W. Jr. And Terry A. Hooke	20	N/C	
DED DEPRM RP STP TE			
Arthur G. And Helen P. Magsamen	21	W/C	
DED DEPRM RP STP TE			
Fuchs Spices, U.S.A., Inc.	22	W/C	
DED DEPRM RP STP TE			
Susan J. Blum	23	M/IT	
DED DEPRM RP STP TE			
✓ Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	N/C	
DED DEPRM RP STP TE			
✓ Raymond F. And Deborah D. Borsetti	25	N/C	
DED DEPRM RP STP TE			
✓ Robert L. And Jeannette McElroy	26	N/C	
DED DEPRM RP STP TE			

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
AUGUST 6, 1992 (410) 887-4500

Arnold Jablon
Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RAYMOND F. BORSETTI AND DEBORAH DREHOFF BORSETTI
Location: #3829 THOROUGHbred LANE
Item No.: * 25 (JCM) Zoning Agenda: AUGUST 3, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl J. Ruff* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

RECEIVED
AUG 10 1992
ZONING OFFICE

Department of Recreation and Parks
Development Review Committee Response Form
Authorized signature *Walter R. ...* Date 8/10/92

File Number	Waiver Number	Zoning Issue	Meeting Date
✓ Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24		8-3-92
DED DEPRM RP STP TE		No Comment	
✓ Raymond F. And Deborah D. Borsetti	25		
DED DEPRM RP STP TE		No Comment	
✓ Robert L. And Jeannette McElroy	26		
DED DEPRM RP STP TE		No Comment	
✓ Gary G. And Ilene S. Waitt	27		
DED DEPRM RP STP TE		No Comment	
✓ Bruce P. And India Y. Curry	6		
DED DEPRM RP STP TE		No Comment	
✓ Herbert B. And Edith G. Querido	7		
DED DEPRM RP STP TE		No Comment	
✓ Emma E. Hubbard	8		
DED DEPRM RP STP TE		No Comment	
✓ Arthur Thomas Ward, III	9		
DED DEPRM RP STP TE		No Comment	
COUNT 14			
FINAL TOTALS			
COUNT 19			

*** END OF REPORT ***

Department of Environmental Protection & Resource Management
Development Review Committee Response Form
Authorized signature *W. Bruce July* Date 8-24-92

File Number	Waiver Number	Zoning Issue	Meeting Date
Stonegate at Patapsco (Aerial Property)			6-1-92
ZON DED	TE (Waiting for developer to submit plans first)		
COUNT 6			
✓ Lois L. Ruckman	10	8-3-92	
DED DEPRM RP STP		no comments	
Colonial Village Company	19	no comments	
DED DEPRM RP STP TE			
James W. Jr. And Terry A. Hooke	20	no comments	
DED DEPRM RP		written comments	
Fuchs Spices, U.S.A., Inc.	22	no comments	
DED DEPRM RP STP		no comments	
Susan J. Blum	23	no comments	
DED DEPRM RP STP TE		no comments	
Elise Boyce Kelsey, Trustee u/w Eliza Gillet Boyce Et Al	24	no comments	
DED DEPRM RP STP		no comments	
✓ Raymond F. And Deborah D. Borsetti	25	no comments	
DED DEPRM RP		no comments	
✓ Robert L. And Jeannette McElroy	26	no comments	
DED DEPRM RP		no comments	
✓ Gary G. And Ilene S. Waitt	27	no comments	
DED DEPRM RP STP		no comments	
Bruce P. And India Y. Curry	6	written comments	
DED DEPRM RP		written comments	
Herbert B. And Edith G. Querido	7	written comments	
DED DEPRM RP		no comments	
Arthur Thomas Ward, III	9	no comments	
DED DEPRM RP		no comments	

Suite 113 Courthouse
430 Washington Avenue
Towson, MD 21204

Baltimore County Government
Zoning Commission
Office of Planning and Zoning

(410) 887-4386

August 27, 1992

Mr. and Mrs. Raymond F. Borsetti
3829 Thoroughbred Lane
Owings Mills, Maryland 21117

Case No. 93-14-A
Petition for Administrative Variance
3829 Thoroughbred Lane

Dear Mr. and Mrs. Borsetti:

I have been provided, for review, your Petition for Administrative Variance relative to the proposed addition to your dwelling at 3829 Thoroughbred Lane in Owings Mills. I have reviewed your Petition, the site plan, the photographs, and other exhibits relative to the proposed improvements.

After reviewing this information, I note that the proposed addition is to be 20 ft. x 33 ft. Further, it will extend towards Thoroughbred Lane, a distance of 8 ft. beyond the current front line of the building envelope. Due to this 8 ft. extension, a variance from the required front setback distance of 50 ft. is requested. In lieu thereof, a front setback of 45 ft. is offered.

Although the Petition and the Exhibits offered significant information, the file is silent as to why the addition need extend 8 ft. beyond the front line of the building envelope. Although the addition could extend 3 ft. beyond the envelope, as a matter of right, thereby maintaining a 50 ft. setback, any extension destroys the symmetry of the dwelling. An addition of 20 ft. x 25 ft. would keep the architectural scheme of the dwelling, as well as complying with the required setback.

Mr. and Mrs. Raymond F. Borsetti
3829 Thoroughbred Lane
Owings Mills, Maryland 21117
page 2....

Although I have not reached any conclusion on the merits of your Petition, I wanted to provide you with an opportunity to respond to these concerns. In this regard, I attempted to reach Mr. Borsetti at his place of employment but was unable to make contact. Further, my telephone message requesting a call has not been returned.

Under the circumstances, I would appreciate hearing from you, either by phone or letter, as to the points raised above. Upon receiving that input, I will either grant the variance or set this matter in for a public hearing.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

111 West Chesapeake Avenue
Towson, MD 21204

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

JULY 30, 1992

(410) 887-3353

Raymond F. Borsetti and Deborah D. Borsetti
3829 Thoroughbred Lane
Owings Mills, Maryland 21117

Re: CASE NUMBER: 93-14-A
LOCATION: SC of intersection of Indian Pony Court and Thoroughbred Lane
3829 Thoroughbred Lane
4th Election District - 3rd Councilmanic

Dear Petitioner(s):

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Any contact made with this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before August 10, 1992. The closing date is August 24, 1992. The closing date is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. At that time, an Order will issue. This Order may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

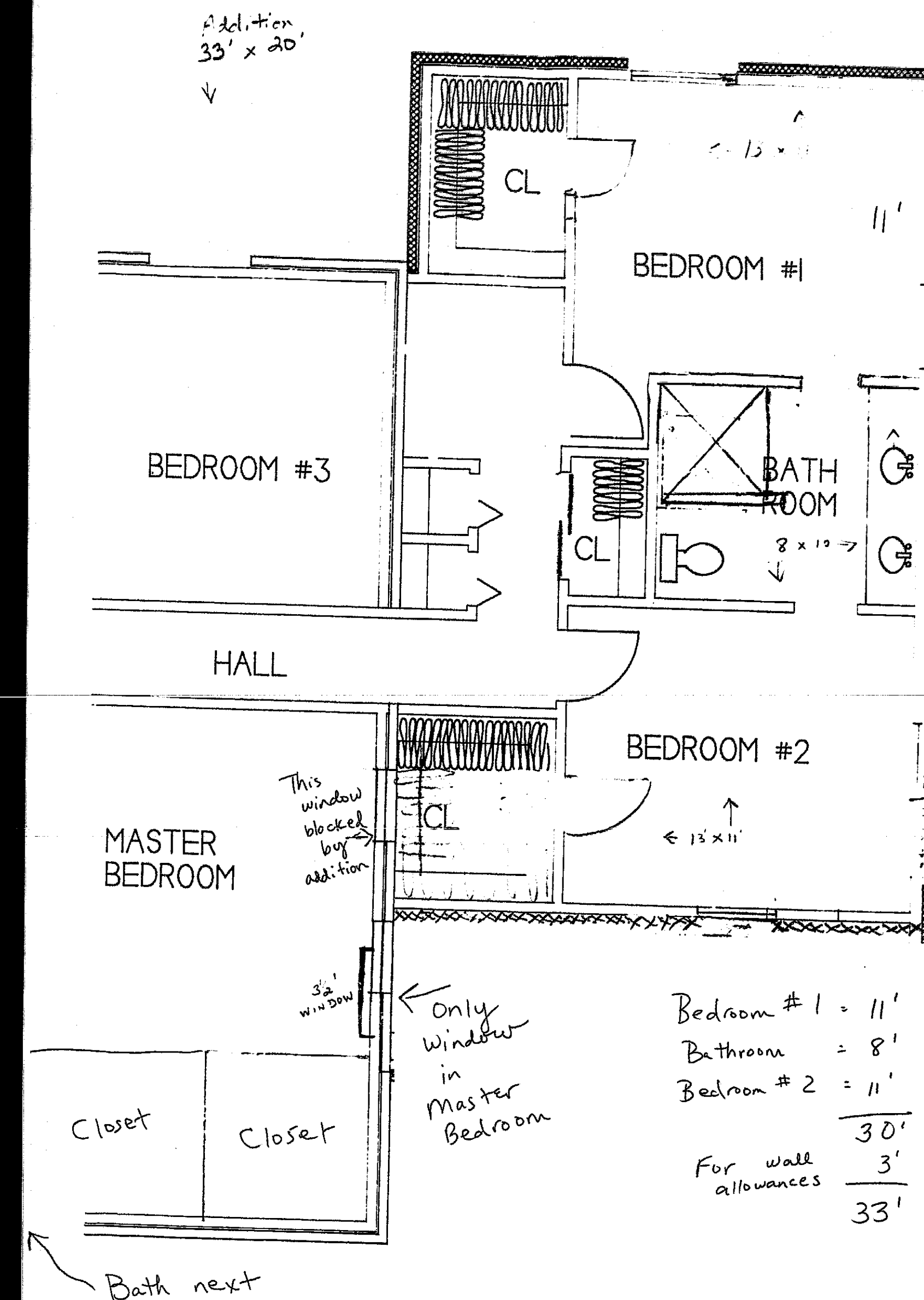
2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in two local newspapers. Charges related to the reporting and advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$20.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Lawrence E. Schmidt
Zoning Commissioner, Baltimore County

Printed on Recycled Paper



3829 Thoroughbred Lane
Owings Mills, MD 21117
Saturday, August 29, 1992

Baltimore County Zoning Commissioner
Office of Planning and Zoning
Suite 113 Courthouse
430 Washington Avenue
Towson, MD 21204

Case No. 93-14-A
Petition for Administrative Variance
3829 Thoroughbred Lane

Dear Mr. Schmidt,

In reply to your letter requesting more information as to why our proposed addition extend 8' beyond the building envelope, the reasons are as follows:

1. The Master bedroom is located in the rear of the existing home on the side where the addition is proposed. The addition was pushed forward to allow for the only window in that room to remain and be enlarged in accordance with fire code regulations. (The other window will be blocked as a result of the addition) Also, the back wall of the master bedroom can not have a window added because it is totally enclosed with closets and bathroom.

2. The addition is for 2 daughters bedrooms with one adjoining bathroom. Each room is a moderate 11' x 13'. Downgrading the addition size to 25' would not allow for adequate room. Currently, the smallest bedroom is 12' x 12'. If the addition was 25' long then the new bedrooms would only be 12' x 12'. (Please refer to enclosed drawing to see how the 33' was reached)

3. The 8' extension was planned to create the appearance of an L-shaped rancher visually separating the original brick front from the addition. (It was suggested that the addition not be flat on the front because of the impossibility of matching the 20 year old bricks).

4. The original house has a hip roof. The addition will also have a hip roof. It is more architecturally pleasing that the new hip be forward more than the 3' allowed. (See enclosed photo of similar home with hip roof)

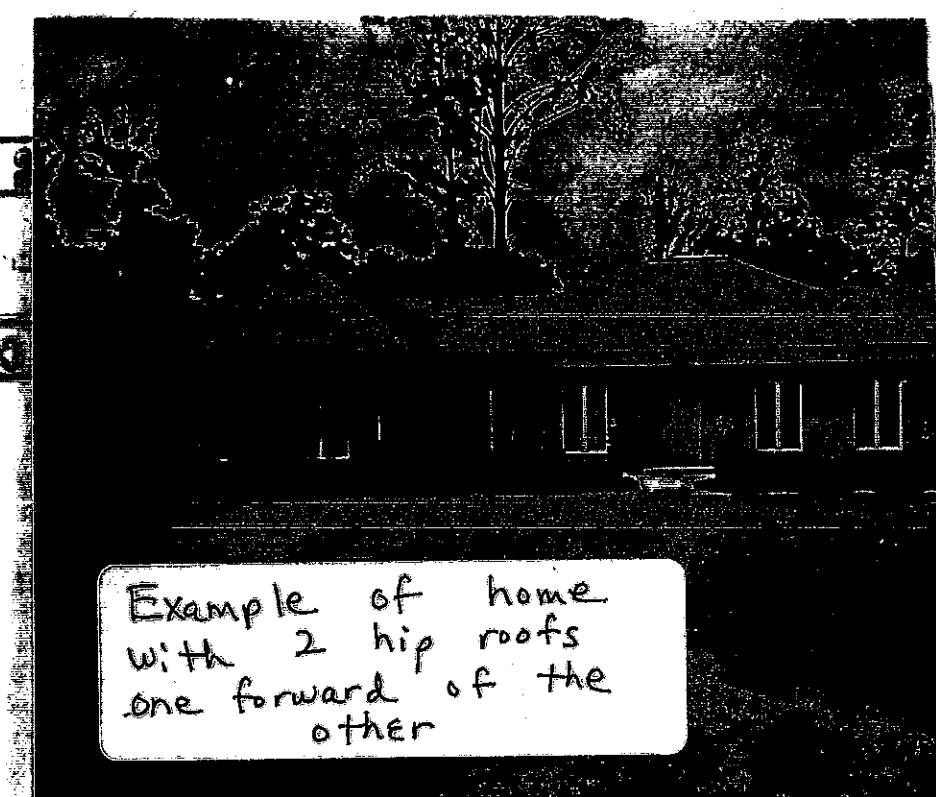
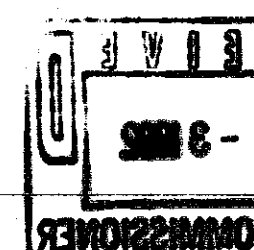
I apologize for the difficulty in making phone contact. My husband was out of his office on Thursday, 8/27. Upon returning Friday, 8/28 and finding your message he immediately called home and I began trying to reach you by phone. I called three times that day and was never able to make contact with you.

We are departing on a business and family vacation Sunday, August 30 through Friday, September 4. I will continue to try to reach you by phone as we are anxious for you to fully understand the reason for our variance request.

Thank you for your attention to this matter.

Sincerely,

Deborah & Raymond Borsetti
Deborah & Raymond Borsetti



Example of home with 2 hip roofs one forward of the other

93-14-A



